IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9000 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GAMETI MANILAL JELALJI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9000 of 1999

MR AR MAJMUDAR for Petitioner No. 1

MR K.L.PANDYA, AGP for Respondent No. 1-2

MR HARIN P RAVAL for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 15/10/2003

ORAL JUDGEMENT

Heard learned advocate Mr. A.R.Majmudar for petitioner and learned AGP Mr. K.L.Pandya appearing on

behalf of respondents.

2. The grievance of the petitioner is that he was appointed as Assistant Teacher in the scale of Rs.1400-2300 but subsequently the respondents have reduced the scale in a fixed salary of Rs.1050 and thereafter the respondent are paying Rs.1050 fixed salary without any other benefit to the petitioner. Therefore, present petition is filed. During the pendency of the petition this Court has directed by interim order dated 13.7.2001 that respondents shall have to pay the salary on the basis of Rs.1050 for a period from 15.6.1998 to 31.8.2002 which was not paid on the date on which the petition was filed. Learned AGP Mr. Pandya has submitted that the proposal has been sent to the respondent No.1 by the respondent No.2 for giving salary in the pay scale of Rs.1400-2300 to the petitioner who is working as Assistant Teacher, but that proposal is still remained pending and not decided by the respondent No.1.

3. In view of this fact, as per letter dated 10.10.2003, addressed to the respondent No.1, according to the School authority, the payment between 15.6.1998 to 31.8.2002 has been paid to the petitioner on the basis of fixed salary Rs.1050 and even thereafter also from September, 2002 to January, 2003 the payment has been made to the petitioner. Now, the question is that the proposal which is pending with respondent No.1 is still not decided by him. Therefore in view of this facts, it is directed to the Secretary, Social Justice and Empowerment Department, State of Gujarat, Gandhinagar to decide the proposal which has been sent by respondent No.2 and pass reasoned order in accordance with law within a period of two months from the date of receiving the copy of this order. It is, however, made clear that in case if any adverse order is passed by respondent No.1 then it is open for the petitioner to challenge the same before the appropriate forum in accordance with law.

4. In view of the above observation and direction present petition is disposed of. Rule is discharged. Interim relief, if any, shall stand vacated.

Copy of letter dated 10.10.2003 is kept on record.

(H.K.Rathod,J)
Jayanti*